

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:01CR98-P-D

JOHN E. ANDREWS,

DEFENDANT.

ORDER

This matter comes before the court upon Defendant's Motion for Continuance of trial [15-1].

Upon due consideration of the motion, the court finds as follows, to-wit:

The motion is well-taken and should be granted. Trial is currently set for November 28, 2005. Defense counsel avers that he is currently engaged in plea negotiations with the Government and that a plea is expected but additional time is needed to finalize the agreement. The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from November 28, 2005 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant's Motion for Continuance of trial [15-1] is hereby **GRANTED**;
- (2) Trial of this matter is continued until Monday, January 3, 2006 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

- (3) The delay from November 28, 2005 to January 3, 2006 is excluded as set out above;
- (4) The deadline for filing pretrial motions is December 13, 2005; and
- (5) The deadline for submitting a plea agreement is December 20, 2005.

SO ORDERED, this the 15th day of November, A.D., 2005.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE